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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,572	10/03/2001	David William James Holmes	101948002US	5361

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PERKINS COIE LLP/AWS  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

EXAMINER
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GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/972,572

**Applicant(s)**

HOLMES, DAVID WILLIAM JAMES

**Examiner**

Gerald Gauthier

**Art Unit**

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 18, 2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claim(s) 1, 4-6, 8-14, 16, 19 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 2003/0026392 A1) in view of Adler et al. (US 6,249,765 B1).

Regarding **claim(s) 1 and 21**, Brown discloses a method for automatically connecting to electronic addresses received in spoken communications (FIG. 1 and paragraph 0002), comprising:

receiving at least one telephone call from a caller, wherein the at least one telephone call includes voiced address information, wherein the voiced address information corresponds to at least one electronic address (FIG. 1 and paragraph 0034);

receiving user input (FIG. 7 and paragraph 0051); and

after receiving the user input, automatically coupling to at least one electronic address associated with the voiced address information based in part on the automatically extracted and identified voiced address information (FIG. 7 and paragraph 0051), wherein the coupling comprises:

generating an electronic message including the extracted voiced address information (FIG. 7 and paragraph 0051);

forwarding the electronic message among at least one location pre-specified by a user (FIG. 7 and paragraph 0051); and

extracting the voiced address information from the electronic message following receipt at the at least one location (FIG. 7 and paragraph 0051).

Brown discloses extracting information from a live telephone conversation but fails to disclose automatically identifying the voiced address information while the telephone call is on going.

However Adler teaches automatically identifying the voiced address information while the telephone call is on going, wherein the identifying is performed without first actively soliciting the caller for the at least one electronic address, without activating a voice record function on the phone, and without need for querying a database for the at least one electronic address previously existing within the database (FIG. 15 and column 17, lines 50-60);

automatically extracting the identified voiced address information based on the identified voiced address information (FIG. 15 and column 20, lines 46-61).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brown using the extracting data system as taught by Adler.

This modification would offer the capability of automatically identifying the voiced address information while the telephone call is on going so that the user would have the information when he/she needs it.

Regarding **claim(s) 4**, Brown discloses a method, wherein the at least one location includes a telephone, wherein at least one operation can be performed on the address information including editing and storing (paragraph 0039).

Regarding **claim(s) 5**, Brown discloses a method, wherein the at least one location includes at least one call switch, wherein a first electronic connection is terminated in order to establish the coupling (paragraph 0034).

Regarding **claim(s) 6**, Brown discloses a method, wherein the at least one location includes at least one server, wherein at least one operation can be performed on the address information including editing, loading into at least one directory, and posting to at least one web page (paragraph 0033).

Regarding **claim(s) 8**, Brown discloses receiving at least one command from a user, wherein the at least one command is of a type selected from among spoken commands and manual input commands (paragraph 0037).

Regarding **claim(s) 9**, Brown discloses the electronic address types further include electronic mail addresses and Uniform Resource Identifiers (paragraph 0033).

Regarding **claim(s) 10**, Brown discloses coupling comprises connecting a called party with two or more other parties during a telephone call using the at least one electronic address, wherein a conference call is established (paragraph 0034).

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Regarding **claim(s) 11**, Brown discloses the at least one electronic address is associated with at least one device selected from among personal computers, processor-based devices, wired telephones, wireless telephones, wired radiotelephones, wireless radiotelephones, internet telephones, cellular telephones, pagers, personal digital assistants, personal communication devices, electronic mail devices, telematic systems, and informatics systems (paragraph 0033).

Regarding **claim(s) 12 and 19**, Brown in combination with Adler disclose all the limitations of **claim(s) 12 and 19** as stated in **claim(s) 1's** rejection above and furthermore Alder teaches receiving electronic communications including the voice streams (column 15, lines 12-23).

Regarding **claim(s) 13 and 16**, Brown in combination with Adler disclose all the limitations of **claim(s) 13 and 16** as stated in **claim(s) 12's** rejection above and furthermore Adler teaches at least one network (FIG. 1) coupled among components including:

- at least one portable communications device (110 on FIG. 1);

- at least one routing system (128 on FIG. 1);

- at least one voice message system (316 on FIG. 3); and

- at least one recognition and connection system (238 on FIG. 2).

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Regarding **claim(s) 14**, Adler teaches a system wherein users select configurations from among configurations including automatic and manual configurations, wherein at least one automatic configuration automatically retrieves and scans the at least one voice mail message, wherein at least one manual configuration retrieves and scans the at least one voice mail message upon receipt of at least one corresponding user command (column 17, lines 50-60).

5. **Claim(s) 15, 18 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Adler as applied to **claim(s) 13, 16 and 19** above, and further in view of Hünlich et al. (US 6,553,024 B1).

Regarding **claim(s) 15, 18 and 20**, Brown in combination with Adler as applied to **claim(s) 13, 16 and 19** differ from **claim(s) 15, 18 and 20** in that it fails to disclose using at least one short message transfer type.

However, Hünlich teaches transferring includes using at least one short message transfer type selected from among short message services and alphanumeric paging services (column 7, lines 25-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use using at least one short message transfer type of Hünlich in the invention of Brown in combination with Adler.



The modification of the invention would offer the capability of using at least one short message transfer type such as the system would convert speech data into text message.

### ***Response to Arguments***

6. Applicant's arguments with respect to **claim(s) 1, 4-6, 8-16 and 18-21** have been considered but are moot in view of the new ground(s) of rejection.

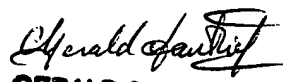
### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

Gerald Gauthier  
Examiner  
Art Unit 2645

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October 28, 2005